

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MONTY JOSEPH MYERS,**

**Petitioner,**

**v.**

**DIRECTOR, TDCJ-CID,**

**Respondent.**

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**Case No. 6:19-CV-312-JDK-JDL**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner Monty Joseph Myers, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 22, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 13), recommending that the action be dismissed because Petitioner's case did not involve a protected liberty interest. *Id.* at 3. A return receipt indicating delivery to Petitioner was received by the Clerk on October 31, 2019 (Docket No.14).

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, Petitioner did not file objections in the prescribed period. The Court therefore reviews the Magistrate Judge's findings


for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 13) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 13) be **ADOPTED**. It is further

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED** *sua sponte*.

So **ORDERED** and **SIGNED** this **19th** day of **November, 2019**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE